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King Pharmaceuticals, Inc.,  
King Pharmaceuticals Research  
and Development, Inc.,  
and Pharmaceutical IP Holding, Inc.*

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APR 01 2010

AT 8:30                      M  
WILLIAM T. WALSH  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

	)	Civil Action No. 08-5974 (GEB)(DEA)
KING PHARMACEUTICALS, INC.,	)	
KING PHARMACEUTICALS	)	
RESEARCH AND DEVELOPMENT,	)	
INC. and PHARMACEUTICAL IP	)	
HOLDING, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
SANDOZ INC.,	)	
	)	
Defendant.	)	
	)	

*9-4-B*  
[REDACTED] ORDER TO SHOW CAUSE  
WITH TEMPORARY RESTRAINTS  
(Filed Electronically)

THIS MATTER was brought before the Court on an application for emergency relief pursuant to Fed.R.Civ.P. 65 and L.Civ.R.65.1. by Plaintiffs King Pharmaceuticals, Inc., King Pharmaceuticals Research and Development, Inc. (together, "King"), and Pharmaceutical IP Holding, Inc. ("Pharmaceutical IP") (collectively, "Plaintiffs"). Plaintiffs seek entry of an Order to Show Cause with Temporary Restraints against Defendant, Sandoz Inc. ("Sandoz"), temporarily restraining and enjoining Sandoz from engaging in the commercial manufacture, use, offer to sell, or sale within the United States of, or importing into the United States, its

generic metaxalone product, through and including the return date of the Order to Show Cause, and requiring Sandoz to show cause why it should not be preliminarily enjoined from doing so throughout the pendency of this action or until the expiration of United States Patent No.

7,122,566 ("the '566 patent") on February 6, 2026. Plaintiffs have submitted their Memorandum in Support of Their Motion for a Temporary Restraining Order and Preliminary Injunction and Declarations of Eric C. Stops, Esq., F. Alan Barber, M.D., Frederick Peter Guengerich, Ph.D. and Jerry Hausman, Ph.D. showing that immediate and irreparable injury, loss and damage will result to Plaintiffs by reason of Sandoz's infringement of the '566 patent if Sandoz is not restrained and enjoined from marketing and selling its metaxalone, 800 mg, product until such time as the Court may conduct a hearing as to why a Preliminary Injunction should not issue against Sandoz. Notice of this application has been provided to Sandoz's counsel. The Court, having considered the submissions of the parties and the arguments of counsel, and good cause having been shown that (1) Plaintiffs have a reasonable likelihood of success on the merits; (2) Plaintiffs will suffer irreparable harm if the requested relief is not granted; (3) the balance of the hardships tips in Plaintiffs' favor; and (4) granting the requested relief is in the public interest:

**IT IS ON THIS 1<sup>ST</sup>** day of April, 2010, hereby

**ORDERED** as follows:

1. Sandoz shall show cause, at the time, date and place stated below, why it should not be preliminarily enjoined during the pendency of this action or until the expiration of United States Patent No. 7,122,566 on February 6, 2026, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States of, or importing into the United States, its generic metaxalone product.

2. Sandoz, its officers, agents, servants, representatives and employees and any and all persons or entities acting by, through, under or in active concert with any or all of them, are temporarily restrained and enjoined until further notice of this Court from engaging in the commercial manufacture, use, offer to sell, or sale within the United States of, or importing into the United States, its generic metaxalone product.

3. This Court shall conduct a hearing on this Order to Show Cause on the 15<sup>th</sup> day of APRIL, 2010, commencing at 8:30 AM at the United States District Court, Trenton, New Jersey, 08608.

4. Plaintiffs shall serve a copy of this Order upon Sandoz by electronic mail to Sandoz's counsel in New York, New York and electronic mail and/or by hand-delivering the same to Sandoz's New Jersey counsel of record.

5. Sandoz shall file and serve any papers in opposition to Plaintiffs' motion for a preliminary injunction no later than the 5<sup>th</sup> day of APRIL, 2010 at 4 PM. Plaintiffs shall file and serve any reply papers no later than the A DATE TO BE DETERMINED, day of AS SET BY THE COURT, 2010 at ON APRIL 6, 2010. COUNSEL SHALL APPEAR BEFORE THE COURT ON APRIL 6, 2010 AT 9 AM.

6. Plaintiffs shall post a bond or other security of \$ AS SET BY THE COURT by the ON APRIL 6, 2010. COUNSEL SHALL APPEAR BEFORE THE COURT ON APRIL 6, 2010 AT 9 AM day of 2010 in connection with this Order to Show Cause with Temporary Restraints.

Garrett E. Brown  
Hon. Garrett E. Brown  
United States District Judge